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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 DONALD L. BLACKWELDER,

Case No. 2:15-cv-02373-JAD-PAL

8 Plaintiff,

ORDER

9 v.

10 CHARLES THORNTON, et al.,

11 Defendants.

12 Before the court is Plaintiff Donald L. Blackwelder's Status Report (ECF No. 68). The
13 status report advises that the parties are trying to settle this matter. A settlement meeting was
14 scheduled on February 15, 2018 between plaintiff and defendant Thornton and his counsel. The
15 status report also advises that Mr. Howells sent plaintiff's counsel an email February 12, 2018,
16 indicating that Mr. Howells had recently learned of the court's December 22, 2017 order requiring
17 him to find substitute counsel or file a statement indicating he will appear pro se by February 12,
18 2018. In a letter addressed to the court Mr. Howells requests an extension until March 6, 2018 to
19 make arrangements for new counsel. He also asks that the court continue the February 20, 2018
20 hearing. *See* Exhibit 3.

21 The New Jersey Receiver for Aecos prepared a submission to the court which is attached
22 as Exhibit 4 to the status report. The Receiver is a New Jersey lawyer but is not admitted to state
23 or federal court in Nevada and has not applied to appear pro hac vice in this case. Thus, he does
24 not purport to represent Aecos in this case. However, his submission addresses the court's order
25 requiring Aectos to retain substitute counsel by February 12, 2018, and indicating that failure to
26 timely comply may result in a recommendation that default judgment be entered against it. The
27 Receiver indicates that a lack of liquidity prevents Aecos from retaining counsel. However, he is
28 in discussions with the parties' respective New Jersey and Nevada counsel in an effort to reach a

1 global resolution of all claims against Aecos in both jurisdictions. He fears entry of default
2 judgment may “derail” settlement discussions scheduled on February 15, 2018 “as it could render
3 Aecos in need of statutory protection from creditors.” He asks that the court extend the deadline
4 to retain substitute counsel and refrain from recommending default for 60 days to allow the parties’
5 settlement discussions to continue.

6 This case was filed December 15, 2015 and should be brought to trial no later than
7 December 2018. Little to no progress has been made to bring this case to resolution for a
8 substantial period of time. The court will grant Mr. Howells’ request for an additional two weeks
9 to retain counsel and reschedule the hearing to allow the parties to attempt to reach a global
10 resolution of their disputes within a reasonable period of time. However, the court will not
11 continue to suspend progress towards bringing this case to ultimate resolution much longer.

12 **IT IS ORDERED** that:

- 13 1. Defendant/Crossdefendant/Crossclaimant Brian Howells shall have until **March**
14 **20, 2018**, in which to retain substitute counsel who shall make an appearance in
15 accordance with the requirements of the Local Rules of Practice, or file a notice
16 with the court that he will be appearing in this matter *pro se*, that is representing
17 himself.
- 18 2. Howells’ failure to timely comply with this order by either obtaining substitute
19 counsel, or filing a notice that he will be appearing in this matter *pro se* may result
20 in the imposition of sanctions, which may include a recommendation to the District
21 Judge that his answer be stricken and/or a default judgment be entered against him.
- 22 3. As a corporation cannot appear except through counsel,
23 Defendant/Crossdefendant/Crossclaimant Aecos, Ltd. shall have until **March 20,**
24 **2018**, in which to retain substitute counsel who shall make an appearance in
25 accordance with the requirements of the Local Rules of Practice.
- 26 4. Aecos, Ltd’s failure to timely comply with this order by obtaining substitute
27 counsel may result in the imposition of sanctions, which may include a
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1 recommendation to the District Judge that a judgment be entered against it for failure
2 to comply.

- 3 5. The Clerk of the Court shall serve the Defendants/Crossdefendants/Crossclaimants
4 with a copy of this order at their last known addresses:

5 Brian S. Howells
6 c/o Keith N. Biebelbert
7 374 Millburn Ave.
8 Millburn, New Jersey 07041
9 Fax: (973) 376-6142
10 Cell: (917) 885-1500
11 bhowells@aecosltd.com


12 Aecos, Ltd.
13 325 Columbia Turnpike, Suite 111
14 Florham Park, NJ 07932
15 Office: (862) 701-3161

16 Aecos, Ltd.
17 c/o Adam K. Derman, Receiver
18 One Boland Dr.
19 West Orange, NJ 07052
20 Fax: (973) 325-1501

- 21 6. The status conference currently scheduled for 10:00 a.m., February 20, 2018, is
22 **VACATED** and **CONTINUED** to **9:30 a.m., March 27, 2018**, in Courtroom 3B.

- 23 7. The parties shall have until **March 23, 2018** to file a joint status report advising
24 whether the case has settled, and if so, when settlement documents will be finalized, or if the case
25 has not settled, their proposal for bringing this case to ultimate resolution.

26 DATED this 15th day of February, 2018.

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28 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE